

REMARKS

The Appellant provides the following remarks to accompany the amendments noted above. In the Final Office Action mailed November 2, 2010 (hereinafter “Office Action”), claims 20-26 and 29 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.¹ In the Office Action, the Patent Office kindly pointed out that if claim 20 was amended as noted above, claim 20 would overcome the rejection. Thus, the amendment noted above to claim 20 obviates the rejection under 35 U.S.C. § 101 as it applies to claims 20-26 and 29. As the amendment to claim 20 renders the aforementioned rejection moot, the issues for appeal are reduced and the application is in a better condition for appeal.

Claims 42-46 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In addition, claims 42-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,061,563 to *Lee* in view of U.S. Patent No. 6,539,494 to *Abramson et al.* By cancelling claims 42-46, the rejections under 35 U.S.C. § 101 and 35 U.S.C. § 103 are now rendered moot. Accordingly, the issues for appeal are reduced and the application is in a better condition for appeal.

As the amendments to claim 20 noted above and the cancellation of claims 42-46 reduce the number of issues for appeal and place the application in a better condition for appeal, and the Appellant requests that that this amendment be entered.

Respectfully submitted,
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¹ In the Final Office Action, the Patent Office rejects claim 28 under 35 U.S.C. § 101. The Patent Office indicates that claim 28 is allowed on page 1 and allowable on page 5 of the Final Office Action. Furthermore, claim 28 depends from claim 10, which is allowed. However, claim 29, which depends from claim 20, has not been rejected under 35 U.S.C. §101. For purposes of the appeal, the Appellant will address the rejection as if claim 29, and not claim 28, was rejected under 35 U.S.C. § 101.